

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

ROSE CRIBBS,

Case No. 2:18-cv-00225-SU

Plaintiff,
v.

OPINION AND ORDER

**FRONTIER COMMUNICATIONS
NORTHWEST INC.,**

Defendant.

MOSMAN, J.,

On April 3, 2018, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (F&R) [17], recommending that Plaintiff Rose Cribbs's Motion to Remand [5] should be GRANTED and this matter remanded to the Oregon Circuit Court for Wallowa County. Judge Sullivan also recommended the Court decline to reach Defendant Frontier Communications Northwest, Inc.'s Motion to Dismiss or to Stay [6]. Frontier filed objections [19]. Ms. Cribbs responded [21].

DISCUSSION

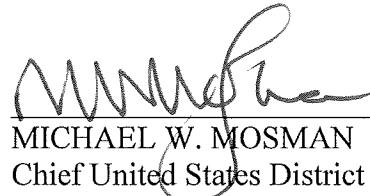
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Sullivan's recommendation and I ADOPT the F&R [17] as my own opinion. Plaintiff's Motion to Remand [5] is GRANTED and this matter is remanded to the Oregon Circuit Court for Wallowa County. I decline to reach Frontier's Motion to Dismiss or to Stay [6], for lack of subject-matter jurisdiction.

IT IS SO ORDERED.

DATED this 24 day of May, 2018.



MICHAEL W. MOSMAN
Chief United States District Judge